

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARILYN WATKINS,

Plaintiff,

v.

INFOSYS, d/b/a INFOSYS, Ltd.,

Defendant.

No. 2:14-cv-247

NOTICE OF REMOVAL  
(Diversity)

TO: The Judges of the U.S. District Court for the Western District of Washington

AND TO: Judith A. Lonnquist, Counsel for Plaintiff

Pursuant to 28 U.S.C. §§ 1331, 1332 and 1441, Defendant Infosys, d/b/a Infosys, Ltd. (“Infosys”) removes this action from the Superior Court of Washington for King County to this Court on the grounds of diversity jurisdiction. 28 U.S.C. §§ 1332(a), 1441(a), (c).

The following statement is submitted pursuant to 28 U.S.C. § 1446(a):

1. Defendant Infosys, d/b/a Infosys, Ltd. (“Infosys”) is a foreign corporation, and its principal place of business is in Bangalore, Karnataka, India, the location of its headquarters. Accordingly, Defendant Infosys is a subject of a foreign state for purposes of removal jurisdiction. 28 U.S.C. § 1332(c)(1).

2. Upon information and belief, Plaintiff is resident and citizen of Washington.

3. Plaintiff filed a Summons and Complaint against Defendant on January 23, 2014, in King County Superior Court, which the state court designated as Case No. 14-2-02135-6 SEA.

NOTICE OF REMOVAL - 1

Jackson Lewis P.C.  
520 Pike Street, Suite 2300  
Seattle, Washington 98101  
(206) 405-0404

1 Plaintiff served Defendant with the Summons, Complaint, Order Setting Case Schedule and  
2 Interrogatories on or about January 27, 2014. No further proceedings have been had in the state  
3 court as of the date of this Notice.

4       4. As required by local Civil Rule 101(b), a true and correct copy of the Summons  
5 and Complaint is attached as **Exhibit 1**.

6       5. As of the filing of this Notice of Removal, Defendant has not yet answered the  
7 Complaint.

8       6. This Notice of Removal is being timely filed within 30 days of January 27, 2014,  
9 when Defendant Infosys was served with the initial pleading upon which this removal is based.  
10 See 28 U.S.C. § 1446(b).

11       7. Under Local Civil Rule 101(a), Defendant has a reasonable good faith belief that  
12 Plaintiff seeks damages in excess of the jurisdictional requirement of \$75,000, notwithstanding  
13 the fact that the Complaint does not specify the dollar amount of damages being sought, for the  
14 reasons stated in paragraph 8-11, *infra*.

15       8. Plaintiff asserts the following four claims in her Complaint: (1) racial/national  
16 origin discrimination in violation of Washington Law Against Discrimination, RCW 49.60.180;  
17 (2) wage discrimination; (3) retaliation in violation of RCW 49.60.180; and (4) breach of  
18 promise for specific treatment. Plaintiff's Prayer for Relief seeks:

- 19           a. Damages for back pay and other economic damages, including front pay;
- 20           b. Emotional distress damages
- 21           c. Double damages for wages improperly withheld and/or illegally not paid;
- 22           d. Pre-judgment interest;
- 23           e. Reasonable attorney's fees and litigation expenses pursuant to  
24 RCW 49.48.030 and/or RCW 49.60.030(3);
- 25           f. Injunctive relief;
- 26           g. Tax relief;
- 27           h. Costs;

1                   i.       Such other relief as the Court deems appropriate.

2           9. Plaintiff was employed by Defendant Infosys from September 26, 2005 until  
3 September 30, 2013. (Complaint ¶ 5). When Plaintiff's employment ended, she was earning an  
4 annual salary of over \$200,000.

5           10. Defendant reasonably and in good faith believes that part of the damages Plaintiff  
6 will seek includes at least five months of lost wages (from September 30, 2013 through the  
7 present date), for a total of over \$83,000. Plaintiff also purportedly seeks double damages under  
8 RCW 49.52.070. Defendant further believes Plaintiff will seek an additional amount for  
9 additional back pay, front-pay and attorney's fees and costs.  
10

11          11. Attorney's fees are included in computing the amount in controversy "where an  
12 underlying statute authorizes an award of attorneys' fees, either with mandatory or discretionary  
13 language." *Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1156 (9th Cir. 1998). Because Plaintiff  
14 asserts claims under RCW 49.60 and 49.48, which authorize an award of reasonable attorneys'  
15 fees, it is reasonably certain that Plaintiff's attorney fees through trial alone will exceed \$75,000.  
16

17          12. Based on the foregoing, the amount in controversy here exceeds \$75,000  
18 considering the damages and attorney's fees requested in Plaintiff's Complaint. *See White v.*  
19 *FCI USA, Inc.*, 319 F.3d 672, 674 (5th Cir. 2003) (concluding that it was facially apparent that  
20 plaintiff's wrongful termination claim exceeded \$75,000 based on lengthy list of compensatory  
21 and punitive damages).

22          13. This Court has original jurisdiction over this civil action because, based on  
23 Plaintiff's Complaint, the amount in controversy, exclusive of interest and costs, exceeds  
24 the sum or value of \$75,000, and the action is between citizens of different states.  
25 28 U.S.C. § 1332(a)(1).  
26  
27  
28

14. As required by 28 U.S.C. § 1446(d), a copy of the Notice of Removal is being filed with the King County Superior Court, attached to a pleading entitled Notice to State Court of Removal to Federal Court.

15. As required by 28 U.S.C. § 1446(d), and as affirmed in the attached Declaration of Service, Defendant has served Plaintiff with this Notice of Removal and with its Notice to State Court of Removal to Federal Court.

16. Pursuant to this Court's Local Rule CR 101(b), a Verification of State Court Records will be filed within fourteen (14) days of this Notice of Removal, which will include copies of the original pleadings, as well as copies of all additional records and proceedings appearing in the state court file, under a verification by counsel that these are true and complete copies of all the records and proceedings in the state court proceeding.

DATED this 19th day of February, 2014.

JACKSON LEWIS P.C.

s/Barry Alan Johnsrud  
Barry Alan Johnsrud, WSBA #21952  
520 Pike Street, Suite 2300  
Seattle, WA 98101  
Tel: 206-405-0404  
Fax: 206-405-4450  
[barry.johnsrud@jacksonlewis.com](mailto:barry.johnsrud@jacksonlewis.com)  
Attorneys for Defendant

DATED this 19th day of February, 2014.

JACKSON LEWIS P.C.

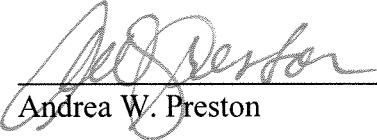
s/Monica T. Torrez-Pfister  
Monica T. Torrez-Pfister, WSBA #38417  
520 Pike Street, Suite 2300  
Seattle, WA 98101  
Tel: 206-405-0404  
Fax: 206-405-4450  
[monica.torrez-pfister@jacksonlewis.com](mailto:monica.torrez-pfister@jacksonlewis.com)  
Attorneys for Defendant

1                   **DECLARATION OF SERVICE**

2       The undersigned declares under penalty of perjury under the laws of the State of  
3 Washington that on this day, I electronically filed a true and accurate copy of the document to  
4 which this declaration is affixed with the Clerk of the Court using the CM/ECF System, which  
5 will send notification of such filing to the following:

6                   Judith A. Lonnquist  
7                   Law Offices of Judith A. Lonnquist, P.S.  
8                   1218 Third Avenue, Suite 1500  
9                   Seattle, WA 98101  
10                  lojal@aol.com

11                 Dated this 19<sup>th</sup> day of February, 2014, at Seattle, Washington.

12                   
13                 Andrea W. Preston

14                 4848-5049-8840, v. 2

# EXHIBIT 1

FILED

14 JAN 23 PM 2:24

1  
2 KING COUNTY  
3 SUPERIOR COURT CLERK  
4 E-FILED  
5 CASE NUMBER: 14-2-02135-6 SEA

7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
8 FOR THE COUNTY OF KING

9 MARILYN WATKINS,

10 Plaintiff,

No.

11 v.

12 INFOSYS, d/b/a INFOSYS, Ltd.,

Defendant.

SUMMONS [20 days]

14 TO DEFENDANT INFOSYS, d/b/a/ INFOSYS, Ltd.:

15  
16 A lawsuit has been started against you in the above-entitled court by MARILYN  
17 WATKINS, Plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served  
18 upon you with this summons.

19 In order to defend against this lawsuit, you must respond to the complaint by stating your  
20 defense in writing, and by serving a copy upon the person signing this summons within twenty  
21 (20) days after the service of this summons, excluding the day of service, or a default judgment  
22 may be entered against you without notice. A default judgment is one where Plaintiff is entitled to  
23 what he/she asks for because you have not responded. If you serve a notice of appearance on the  
24 undersigned person, you are entitled to notice before a default judgment may be entered.

25  
26 You may demand that the Plaintiff file this lawsuit with the court. If you do so, the  
demand must be in writing and must be served upon the person signing this summons. Within

LAW OFFICES OF  
JUDITH A. LONNQUIST, P.S.  
1218 THIRD AVENUE, SUITE 1500  
SEATTLE, WA 98101-3021  
TEL 206 622 2086 FAX 206 233 9165

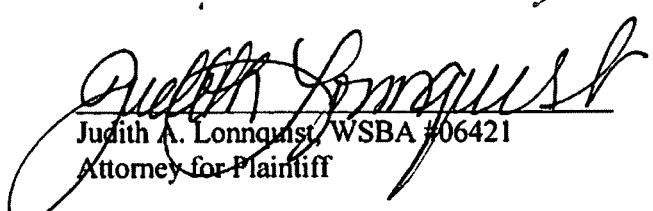
1 fourteen (14) days after you serve the demand, the Plaintiff must file this lawsuit with the court, or  
2 the service on you of this summons and complaint will be void.

3 If you wish to seek the advice of any attorney in this matter, you should do so promptly so  
4 that your written response, if any, may be served on time.  
5

6 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State  
7 of Washington.

8 DATED this 23<sup>rd</sup> day of Jul, 2014.

9  
10 LAW OFFICES OF  
JUDITH A. LONNQUIST, P.S.

11  
12   
13 Judith A. Lonnquist, WSBA #06421  
14 Attorney for Plaintiff  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

LAW OFFICES OF  
JUDITH A. LONNQUIST, P.S.  
1218 THIRD AVENUE, SUITE 1500  
SEATTLE, WA 98101-3021  
TEL 206 622 2086 FAX 206 233 9165

FILED

14 JAN 23 PM 2:24

KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED  
CASE NUMBER: 14-2-02135-6 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

MARILYN WATKINS,

Plaintiff,

No.

v.  
INFOSYS, d/b/a INFOSYS, Ltd.,

Defendant.

COMPLAINT FOR DAMAGES AND  
OTHER RELIEF

NOW COMES Marilyn Watkins, by her attorney Judith A. Lonnquist, and complaining of Defendant Infosys, states as follows:

**INTRODUCTION**

This action is brought pursuant to common law and RCW 49.60 to redress acts of race discrimination, national origin discrimination, wage discrimination, and retaliation. Plaintiff seeks lost pay, benefits and employment opportunities, emotional distress damages, attorneys' fees and costs, and injunctive and other relief.

**JURISDICTION AND VENUE**

1. Defendant does business in King County. Plaintiff resides in King County, and her workplace where the acts complained herein occurred is in King County.
2. This court has jurisdiction pursuant to common law and Chapter 49 RCW.

1                   **I. PARTIES**

2       3. Plaintiff Marilyn Watkins is a Caucasian woman who is a Canadian citizen and a  
3 Permanent Resident of the United States. Until September, 2013, she worked as a high-level  
4 employee in Defendant's Bellevue, Washington, office.

5       4. Defendant Infosys is a foreign corporation, doing business in Washington and  
6 elsewhere. It is a for-profit corporation registered in Washington since 1995 under UBI number  
8 601666379. It employs more than eight employees in Washington and maintains a principal  
9 office in Bellevue, Washington, where, at all relevant times, Plaintiff was employed.  
10 Defendant's American headquarters is in Plano, Texas; its corporate headquarters is in  
11 Bangalore, India.

13                   **II. STATEMENT OF CLAIMS**

14       5. Plaintiff was employed by Infosys from September 26, 2005, until September 30, 2013.  
15 During the period from December 2011 through March 2012, Plaintiff competed for the  
16 position of Head, Management and Consulting Skills Development. Initially, her application  
17 was not accepted because she was not a "titleholder."

19       6. Plaintiff contested that determination and, in April 2012, Plaintiff was promoted to  
20 Head of the Management and Consulting Skills Development Unit of Infosys. There was no  
21 change in her compensation. Her responsibilities included professional skills development for  
22 more than 155,000 employees worldwide, overseeing the CSI Academy for 30,000 employees  
23 worldwide, and managing more than 100 employees worldwide. Despite being assigned  
24 additional high-level responsibilities in 2012-2013, Plaintiff received neither an increase in  
25 compensation nor titleholder status.

1     7. At all relevant times, Plaintiff's peers, all of whom are Indian, held the title of Vice  
 2 President; Plaintiff, who is not Indian, was not given the title of Vice President. Vice  
 3 Presidents are "titleholders" and have benefits and authority not bestowed upon those who have  
 4 lesser titles, who have or are viewed as having lesser authority. Two of Plaintiff's direct  
 5 reports, both Indian, were Associate Vice Presidents.  
 6

7     8. On numerous occasions Plaintiff raised concerns about Defendant's failure to bestow  
 8 the title of Vice President upon her. Plaintiff's supervisor, Srikantan Moorthy, Senior Vice  
 9 President and Group Head of Education and Research ("E&R") promised her that the issue of  
 10 her proper title would be resolved in April 2013.

12     9. In March 2013, Plaintiff assumed even greater responsibilities. Nonetheless, her title  
 13 did not change in April. As Plaintiff was scheduled for a performance review on May 16,  
 14 2013, she decided to await the review to seek ultimate resolution of the title issue. The review  
 15 was rescheduled several times and finally conducted on June 17, 2013. In a follow-up  
 16 communication, Mr. Moorthy, again agreed that she should hold the title of Vice President and  
 17 repeated his promise to recommend her as a titleholder.  
 18

19     10. Earlier, Mr. Moorthy had switched positions with another Senior Vice President,  
 20 Nandita Gurjar. Mr. Moorthy assumed Ms. Gurjar's position of Group Head of Human  
 21 Resource Development, and Ms. Gurjar became the Group Head of E&R, and Plaintiff's direct  
 22 supervisor. Both of them serve on Defendant's Executive Council.  
 23

24     11. In August 2013, Ms. Gurjar published a list of E&R titleholders. Plaintiff was not  
 25 among them.  
 26

1 12. On September 11, 2013, Defendant notified Plaintiff that she was being laid off.  
2 Plaintiff's termination was effective September 30, 2013.

3 13. As a result of the discrimination and retaliation, and Defendant's failure to redress it,  
4 Plaintiff suffered and continues to suffer severe economic and emotional distress.  
5

6 COUNT I

7 Defendants have engaged in race/national origin discrimination against Plaintiff  
8 because of she is Caucasian/North American, in violation of RCW 49.60.180.  
9

10 COUNT II

11 Defendant has discriminated against Plaintiff in her compensation, job status, and other  
12 terms and conditions of her employment because she is Caucasian/North American.  
13

14 COUNT III

15 Defendants have retaliated against Plaintiff, in violation of RCW 49.60.210.  
16

17 COUNT IV

18 Defendant breached its promise of specific treatment when it failed and refused to  
19 assign Plaintiff the title of Vice President and acknowledge that she was a titleholder, with all  
the benefits and emoluments attendant thereto.  
20

21 WHEREFORE, Plaintiff respectfully requests the following relief:  
22

23 A. Back pay and other economic damages, including front pay;  
24 B. Emotional distress damages;  
25 C. Double damages for wages improperly withheld and/or illegally not paid;  
26 D. Pre-judgment interest;  
E. Reasonable attorney's fees and litigation expenses pursuant to RCW 49.48.030  
and/or RCW 49.60.030(3);

- F. Injunctive relief;
- G. Tax relief;
- H. Costs;
- I. Such other relief as the Court deems appropriate

Dated this 23<sup>rd</sup> day of January, 2014.

LAW OFFICES OF JUDITH A.  
LONNQUIST, P.S.

Judith A. Lonnquist, WSBA #06421  
Attorney for Plaintiff

LAW OFFICES OF  
**JUDITH A. LONNQUIST, P.S.**  
1218 THIRD AVENUE, SUITE 1500  
SEATTLE, WA 98101-3021  
TEL 206 622 2086 FAX 206 233 9165